

AMENDED IN SENATE JULY 14, 2009

AMENDED IN SENATE JUNE 29, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY MAY 11, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1253

**Introduced by Assembly Members Fuller and Gilmore
(Coauthors: Assembly Members DeVore, Harkey, and Silva)**

February 27, 2009

An act relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, Fuller. Sacramento-San Joaquin Delta: *fish predation report*.

The California Bay-Delta Authority Act establishes in the Natural Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, or as it may be amended.

The act requires the authority to establish a board of independent scientists, ~~known as the Independent Science Board~~, to advise and make recommendations to the authority and the Bay-Delta Public Advisory

Committee, as appropriate, on the science relative to implementation of all program elements, *including the science program element*.

This bill would require the ~~board~~ CALFED science program staff to conduct an independent scientific review of existing literature and studies on fish predation in the Sacramento-San Joaquin Delta, and to prepare and submit to the Legislature and the Governor a *prescribed* report, ~~including a recommendation as to whether additional studies are needed, and, if so, additional recommendations for the design and scope of those studies and an estimate of the total costs for the studies.~~

The bill would also authorize the ~~board~~ Resources Agency, or a successor agency, to enter into funding agreements with public agencies and nongovernmental organizations to pay for the cost of the independent scientific review.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) ~~The Independent Science Board~~ CALFED
2 *science program staff* shall conduct an independent scientific
3 review of existing literature and studies on fish predation in the
4 Sacramento-San Joaquin Delta, for the purpose of evaluating
5 whether additional studies are needed on the effects of predation
6 on species listed as threatened or endangered under the state or
7 federal endangered species acts, and to determine whether predator
8 species are adversely affecting, at a population level, native
9 salmonids or other indigenous pelagic species in the Delta, and,
10 if so, ~~whether policy and operational changes are needed in the~~
11 ~~Delta to to determine possible management actions that could~~
12 ~~reduce the effects of predation. The review shall also include an~~
13 ~~evaluation of existing studies on fish salvage methods and other~~
14 ~~mitigation protocols at state and federal pumping facilities and~~
15 ~~recommendations for changes in methodologies to improve~~
16 ~~survival, including the projected costs of those changes. The review~~
17 ~~shall include an evaluation of existing studies on how fish salvage~~
18 ~~methods and other mitigation protocols at state and federal~~
19 ~~pumping facilities affect predation on native salmonids and~~
20 ~~indigenous pelagic species in the Delta at a population level.~~
21 (b) After completing the review required by subdivision (a), the
22 ~~Independent Science Board~~ CALFED science program staff shall

1 prepare and submit to the Legislature and the Governor a report
2 that includes the following:

3 (1) A recommendation on whether additional studies are needed.

4 (2) If the ~~Independent Science Board~~ *CALFED science program*
5 *staff* recommends additional studies, recommendations for the
6 design and scope of those studies and an estimate of the total costs
7 for the studies.

8 (3) *A determination of whether predator species are adversely*
9 *affecting indigenous pelagic species at a population level.*

10 (4) *Possible management actions to mitigate or reduce the*
11 *effects of predation, if determined to be significant on a population*
12 *level, and the projected costs of those actions.*

13 (c) The ~~Independent Science Board~~ *Resources Agency, or its*
14 *successor agency*, may enter into funding agreements with public
15 agencies and nongovernmental organizations to pay for the cost
16 of the independent scientific review specified in subdivision (a).